

FILED

AUG 07 2001

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CONNIE CHARLES ARMSTRONG, JR., \$
P.O. BOX 9000/88762-011 - B-5 \$
SEAGOVILLE, TEXAS 75159 \$
(972) 287-2911 \$
Plaintiff, \$

v.

CASE NUMBER 1:01CV01708

UNITED STATES, DEPARTMENT OF
JUSTICE
(FBI), 310 ...
935 PENNSYLVANIA AVE., N.W.
WASHINGTON, D.C. 20530
Defendant.

JUDGE: James Robertson

DECK TYPE: FOIA/Privacy Act

DATE STAMP: 08/07/2001

ECF

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. This is an action under the Freedom of Information Act ("FOIA"), 5 USC §552 (1994 & Supp. IV 1998), and the Privacy Act of 1974, 5 USC §552a (1994 & Supp. IV 1998), to order the production of 'agency records, consisting of all records in agency's system of records previously requested by Plaintiff pursuant to the above referenced acts. Those records have been previously requested by the Plaintiff and those records have been unlawfully withheld by the defendant. Those requests are more fully described below.

JURISDICTION

2. Jurisdiction is conferred upon this Court by Title 5, USC §552(a)(4)(B) and §552(a)(1)(B); (g)(1)(D); (g)(3)(A); (g)(3)(B); (g)(4)(a); and (g)(4)(B).

VENUE

3. Venue is proper in this District pursuant to the provisions of 5 USC §552(a)(4)(B) and 5 USC §552a(g)(5). Action

may be brought in 1) The district in which Plaintiff resides; 2) Where records sought are located; or, 3) In the District of Columbia.

PARTIES

4. Plaintiff, Connie Charles Armstrong, Jr., is a Federal Prisoner in the Federal Correctional Institution at Seagoville Texas. He is the requester of the withheld records.

5. Defendant United States Department of Justice (FBI) is an agency of the United States; it has possession of and control over the records that Plaintiff seeks.

HISTORY OF THE CASE

6. On May 20, 2001, Plaintiff submitted a FOIA/PA request to the FBI office in San Francisco, California, requesting "all records in agency files" related to Plaintiff, including a Vaughn Index of any records refused to Plaintiff. Plaintiff included a Certificate of Identity with the request.

7. On May 30, 2001, Plaintiff was sent a referral letter, referring his request to FBI Headquarters for processing.

8. On May 30, 2001, Plaintiff was sent a letter from the FBI in Washington, DC, assigning Plaintiff request number 0943771-000 and acknowledging receipt of his request. No records were submitted with this letter.

9. On June 5, 2001, Plaintiff submitted an appeal to the Office of Information and Privacy, objecting to the denial of his request for records.

10. Plaintiff has a right to review those records under FOIA and to open agency actions to the light of public scrutiny.

1 9 Make a written finding that the circumstances surrounding withholding raises questions whether there has been arbitrary or capricious agency action and make a referral of the matter to the Merit Systems Protection Board for investigation, pursuant to subsection (a)(4)(7).

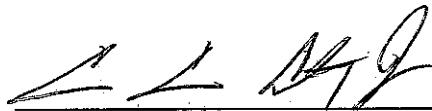
20. Expedite this for good cause and pursuant to 28 USC §1657(a).

21. Award Plaintiff his costs and reasonable attorney's fees in this action.

22. Reserve the right of Plaintiff to amend this complaint at any time; and

23. Grant such other and further relief as the Court may deem in the action.

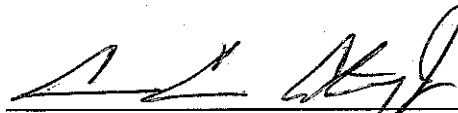
Respectfully submitted this 24 day of July, 2001.



Connie Charles Armstrong, Jr. Pro Se
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Seagoville, TX 75159-9000
(972) 287-2911

PROOF OF FILING

This document is hereby filed on the 24 day of July, 2001, pursuant to the holding in Houston v. Lack, 487 US 266 (1988), by placing it in the mail receptacle designated for outgoing legal mail.



Connie Charles Armstrong, Jr.